

EXHIBIT D

ORIGINAL

1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
LAWRENCE I. FRIEDMANN,

Plaintiff,

-against-

RAYMOUR FURNITURE CO., INC., and
LUCY GOLDSTEIN, individually,

Defendants.

-----X

50 Jericho Quadrangle
Jericho, New York

January 4, 2013
9:52 A.M.

EXAMINATION BEFORE TRIAL OF LAWRENCE I.
FRIEDMANN, the Plaintiff herein, taken pursuant to
Order, and held at the above time and place before
Terri Fudens, a Stenotype Reporter and Notary
Public of the State of New York.

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1 LAWRENCE I. FRIEDMANN

2 A Correct.

3 Q When did you first apply for a job
4 with Raymour & Flanigan?

5 A 2005. Towards the end of 2005.

6 Q What position were you applying for?

7 A Sales associate.

8 Q How did you learn about the opening?

9 A Some Seaman's -- former Seaman's
10 employees had already joined Raymour and, you
11 know, me being disenchanted with Levitz, I decided
12 to pursue that.

13 Q Was there a particular location?

14 A I interviewed in Yonkers with Larry
15 Gallagher, who was the regional manager at the
16 time.

17 Q Okay.

18 A I mean the personnel person was
19 Clayton -- I forgot his last name. I don't think
20 he's with Raymour any longer. Clayton Marcus.
21 No, it can't be Clayton Marcus. That's a
22 furniture company.

23 Q You interviewed with Mr. Gallagher
24 before you were offered the position?

25 A Yes, and then he hired me on the

1 LAWRENCE I. FRIEDMANN

2 spot.

3 Q Where was your interview?

4 A In the Yonkers location.

5 Q What was discussed during this
6 interview?

7 A My background and -- you know,
8 basically my background and that I wanted to join
9 their company. He hired me to start in the
10 Yonkers location with the understanding that I
11 lived in -- you know, on the Queens/Nassau border
12 and wanted to eventually transfer to, you know, a
13 Long Island location.

14 Q Did you complete an employment
15 application when you applied for Raymour &
16 Flanigan?

17 A I'm sure, yeah. Yes.

18 MS. CHICLACOS: Mark this as 4,
19 please.

20 (Defendant's Exhibit 4,
21 Application for Employment marked for
22 Identification as of this date.)

23 Q I would like to show you what's been
24 marked as Defendant's Exhibit 4. Do you recognize
25 this document?

1 LAWRENCE I. FRIEDMANN

2 A Yes.

3 Q What is it?

4 A It's an employment application from
5 Raymour & Flanigan.

6 Q Is this the application that you
7 filled out?

8 A Yes.

9 Q If you turn to the second page of the
10 document, is that your signature at the bottom?

11 A Yes.

12 Q On the application, if you look on
13 the first page, sort of towards the middle, it
14 says names of friends or relatives employed in
15 this location, and you said Stacey Ross, Bill
16 Camaris. Who are those individuals?

17 A Stacey Ross is a sales associate in
18 Garden City, and Bill Camaris is a sales associate
19 in Farmingdale.

20 Q Those were friends of yours?

21 A Yes. I worked with Stacey and Bill
22 at Seaman's furniture.

23 Q You testified that after you
24 interviewed with Mr. Gallagher, he offered you a
25 position?

1 LAWRENCE I. FRIEDMANN

2 A Yes.

3 Q Do you recall when you started with
4 Raymour & Flanigan?

5 A In October of 2005.

6 Q Was there an orientation process when
7 you started with the company?

8 A There is a training program, yes. At
9 the time there was a two-week training program.

10 Q What did that training consist of?

11 A Well, you went to a location in
12 Jersey and you basically trained for a five-day
13 period and then came back home for the weekend,
14 and then trained for a second week again, and then
15 went to the Yonkers store.

16 Q When you say trained, what do you
17 mean by that?

18 A Well, their computer systems, their
19 product philosophy, their product mix, went out on
20 the sales floor. You know, just got a feel for
21 the store.

22 Q Was there any training related to
23 Human Resources policies and procedures?

24 A Yes.

25 Q What did that training consist of?

1 LAWRENCE I. FRIEDMANN

2 A General Human Resource information of
3 what to do, what not to do.

4 Q Do you recall receiving any handbooks
5 or policies relating to Human Resources
6 procedures?

7 A Yes.

8 Q What do you recall receiving?

9 A A handbook, which is no longer --
10 everything is on their computer now.

11 Q Anything else?

12 A That's really it.

13 MS. CHICLACOS: Defendant's
14 Exhibit 5, please.

15 (Defendant's Exhibit 5, Raymour
16 & Flanigan New Hire Form marked for
17 Identification as of this date.)

18 Q Mr. Friedmann, I would like to show
19 you what's been marked as Defendant's Exhibit 5.

20 Do you recognize this document?

21 A Not really.

22 Q If you look towards the bottom of the
23 document, is that your signature?

24 A Yes.

25 Q Does this refresh your recollection

1 LAWRENCE I. FRIEDMANN

2 as to any other documents you might have received
3 during this training process?

4 A No.

5 Q You testified you were hired as a
6 sales associate?

7 A Correct.

8 Q When you were hired, did Raymour &
9 Flanigan have any policy with respect to sales
10 that needed to be generated by a sales associate
11 at a particular showroom?

12 A Yes.

13 Q If you could please describe that
14 policy to me.

15 A Minimum sales volume was \$750,000 per
16 year.

17 Q Meaning that as a sales associate,
18 you needed to have sales of a minimum --

19 A A minimum of --

20 Q -- of \$750,000 per year?

21 A Correct, yes.

22 Q Then how did your compensation work
23 with respect to that?

24 A Commission against a draw.

25 Q What does delivered sales mean?

1 LAWRENCE I. FRIEDMANN

2 A That's what you're paid on.

3 MR. ANDREWS: Objection.

4 A That's what you're paid on.

5 Q Meaning what?

6 A That's the merchandise that you have
7 to deliver.

8 Q Delivered meaning has to be delivered
9 to the customer?

10 A Correct.

11 Q Not just writing up an invoice for
12 the merchandise?

13 A No. It has to be delivered.

14 Q So the \$750,000 was based on --

15 A Is delivered sales.

16 Q Let me finish my question -- is based
17 on delivered sales?

18 A Correct.

19 Q When you started working in the
20 Yonkers location, who did you report to?

21 A Richard Petransky was the showroom
22 manager at the time. He since went on to become
23 the regional manager of the -- you know, the
24 Garden City, Long Island store, and to my
25 knowledge after that became store manager at

1 LAWRENCE I. FRIEDMANN

2 Farmingdale. I don't know if he's still with the
3 firm.

4 Q During the time you were in the
5 Yonkers location, did you report -- was he the
6 showroom manager during the entire time you were
7 there?

8 A The store manager, yes.

9 Q Anyone else that you reported to; an
10 assistant store manager?

11 A No. He's deceased. He was a young
12 guy. I forgot his name.

13 MR. ANDREWS: Is that someone
14 you would have reported to?

15 A Well, he was assistant manager there,
16 and he was also in Garden City. But he passed
17 away while I was still with the company.

18 Q As a sales associate, what were your
19 duties and responsibilities?

20 A To sell the customer, to maintain the
21 store. Basically sales and, you know, follow up
22 on paperwork and general sales responsibilities.

23 Q So you had interaction with the
24 public?

25 A Yes.

1 LAWRENCE I. FRIEDMANN

2 Q And you say maintain the store. What
3 did you mean by that?

4 A Each morning you would go around and
5 fix up the store before the store opening if you
6 were on the morning shift, and -- you know, just
7 for presentation purposes.

8 Q Did there come a point in time when
9 you requested a transfer to a different location?

10 A Well, I did. I requested a transfer
11 to the Carle Place location.

12 Q Why was that?

13 A Because I lived 10 minutes away from
14 that store.

15 Q Do you recall when you requested that
16 transfer?

17 A Well, from the beginning actually,
18 because that was the underlying agreement, that I
19 would eventually be transferred to Carle Place.

20 Eventually Mr. Petransky gave into my
21 requests and I was transferred. I think if I
22 joined in October, I was probably transferred to
23 Carle Place either by April or May.

24 Q Of 2006?

25 A Correct.

1 LAWRENCE I. FRIEDMANN

2 Q In connection with your request for a
3 transfer, did you interview with anyone at the
4 Carle Place showroom?

5 A Not really interview. I mean I was
6 introduced to the store manager at the time.

7 Q Who was that?

8 A Lucy Goldstein.

9 Q Did you meet with her before your
10 transfer?

11 A I would meet her -- actually, I met
12 her once when I was still in training. There
13 really was no formal interview with her to come to
14 that location.

15 Q Do you know if Miss Goldstein had to
16 approve your transfer request?

17 A I'm sure she did, but my performance
18 was deserving.

19 Q You said you met her while you were
20 in training?

21 A I met her briefly in the Fairfield
22 store. She was probably out there for a meeting.

23 Q So before starting at the Carle Place
24 showroom, did you have any other interaction with
25 her besides meeting her during the training

1 LAWRENCE I. FRIEDMANN

2 process?

3 A No. No.

4 Q At the Carle Place location, she was
5 the store manager when you transferred there?

6 A Yes.

7 Q Did you report to her?

8 A Yes.

9 Q You remained a sales associate?

10 A Correct, yes.

11 Q Did your duties and responsibilities
12 stay the same?

13 A Yes.

14 Q Did the requirement that you have
15 \$750,000 in delivered sales annually remain the
16 same in the Carle Place location?

17 A Yes.

18 Q Did your compensation structure
19 remain the same in how you described, it was a
20 commission against a draw?

21 A Yes.

22 Q Was there an assistant manager that
23 you reported to in the Carle Place location?

24 A Well, there were a few different
25 assistant managers. There was a Chris Bonaventura

1 LAWRENCE I. FRIEDMANN

2 at one time. I really forget who else was the
3 assistant manager. There were others, but I don't
4 recall who they were.

5 Q Did there come a point in time when
6 you requested another transfer to a different
7 location?

8 A When they opened the Garden City
9 store.

10 Q When was that?

11 A Probably two years after. Maybe
12 2008. I'm not sure. When the store opened. But
13 I was in Carle Place for a couple -- at least a
14 couple of years.

15 Q Why did you want to transfer to the
16 Garden City showroom?

17 A Well, it was a new location. It was
18 a much larger store, much more potential.

19 Q Potential for what?

20 A Sales volume. Income, sales volume.

21 Q Did you interview with anyone in your
22 request for a transfer to the new showroom?

23 A Lucy Goldstein was the manager of the
24 Garden City store, so she chose who she wanted to
25 come to the store.

1 LAWRENCE I. FRIEDMANN .

2 Q Miss Goldstein chose you to join her,
3 as well as others, in the Garden City showroom?

4 A Mm-hmm. She asked who wanted to come
5 there, and I said I wanted to, and she said okay.

6 Q At the Garden City showroom, you
7 remained a sales associate?

8 A Mm-hmm. Yes.

9 Q Did your duties and responsibilities
10 remain the same?

11 A Yes.

12 Q Did the requirement that you have
13 \$750,000 in delivered sales annually remain when
14 you started working at the Garden City showroom?

15 A Yes.

16 Q You reported to Lucy Goldstein at
17 this location?

18 A Yes.

19 Q Were there assistant managers at this
20 location?

21 A There were.

22 Q When you started there in 2008, who
23 were the assistant managers?

24 A Mitchell Medonic (phonetic) was one
25 of them for a time. The person who is deceased,

1 LAWRENCE I. FRIEDMANN

2 his first name was John. He was also a showroom
3 manager there at one point. Iman Kasmi was later
4 on.

5 Q Anyone else, assistant managers?

6 A Anthony Baines was there for a while.

7 Q Anyone else?

8 A There were a couple of others, but I
9 really have forgotten their names.

10 Q During your time at the Garden City
11 showroom, did Miss Goldstein remain the manager of
12 that showroom?

13 A Yes.

14 Q Besides Yonkers, Carle Place and
15 Garden City, did you work at any other locations?

16 A I was asked to interview for another
17 location just prior to me being dismissed.

18 Q Tell me about that.

19 A I was asked to interview at the Carle
20 Place location again.

21 Q Who asked you to interview?

22 A Lucy Goldstein and Tony Bender, who
23 was the regional at the time.

24 Q Do you know why they asked you to
25 interview for a position at Carle Place?

1 LAWRENCE I. FRIEDMANN

2 A They felt I would be more comfortable
3 in a smaller location. I didn't request it.

4 Q Did they say that to you?

5 A Yes.

6 Q Did they explain what they meant by
7 that?

8 A Well, I was already on a coaching
9 plan.

10 Q Did you interview?

11 A I did.

12 Q Who did you meet with there?

13 A The first name was Laura. I don't
14 remember her last name.

15 Q Do you recall when you met with
16 Laura?

17 A Probably six weeks before I was let
18 go.

19 Q You're referring to your termination
20 from Raymour & Flanigan?

21 A Yes.

22 Q Where did you meet with Laura?

23 A In the Carle Place location.

24 Q Was it just you and her, or was
25 anyone else present?

1 LAWRENCE I. FRIEDMANN

2 Flanigan, did any of your supervisors ever discuss
3 your performance with you?

4 A Only when I wound up on the coaching
5 plan.

6 Q During your employment with Raymour &
7 Flanigan, did you ever receive any performance
8 evaluations?

9 A Yes.

10 Q Do you recall when you received
11 evaluations?

12 A Well, the first four years of my
13 employment -- the first year my sales volume was a
14 million 19. The second year it was 856,000. The
15 third year it was 846. The fourth year it was
16 792, and the fifth year was the sciatica issue,
17 which I was, you know, under doctor's care for
18 about seven months. That's when my volume started
19 to drop.

20 MR. ANDREWS: I think Jessica's
21 question was did you receive
22 performance evaluations.

23 MS. CHICLACOS: That's fine.

24 And I will clarify with him, if
25 necessary.

1 LAWRENCE I. FRIEDMANN

2 Q Is this the coaching plan you were
3 just testifying about?

4 A Yes.

5 Q Do you see that the document on the
6 second page is dated May 7, 2011?

7 A Yes.

8 Q Is that your signature --

9 A Yes, it is.

10 Q -- on the second page?

11 Did Miss Goldstein provide you with
12 this document?

13 A Yes.

14 Q Did she meet with you to give it to
15 you?

16 A Yes.

17 Q What did she say?

18 A Along with Anthony Baines.

19 Q He was the assistant store manager at
20 that time?

21 A Yes.

22 Q Where did you meet with
23 Miss Goldstein and Mr. Baines?

24 A At a dining room table in the main
25 showroom.

1 LAWRENCE I. FRIEDMANN

2 Q Was anyone else present?

3 A No.

4 Q What did Miss Goldstein say to you
5 when she provided you with this document?

6 A That this was the requirements, you
7 know, the expectations.

8 Q Are you referring to --

9 A Well, I'm looking at the goal
10 figures. These are expected -- you know,
11 expectations of goals. I don't know what the
12 actual is. Is it listed here? No, I don't see
13 any.

14 Q If you look at the top of the
15 document --

16 A Yes.

17 Q -- it refers to a 750,000 business
18 planner for 2011.

19 A Yes.

20 Q Does that refer to the \$750,000
21 requirement --

22 A Yes, it does.

23 Q Let me finish my question.

24 A Sorry.

25 Q -- of delivered sales for the year?

1 LAWRENCE I. FRIEDMANN

2 A Yes.

3 Q If you see there as well, does it say
4 that your delivered sales to date thus far were
5 \$252,750?

6 A And projected out to 617,435.

7 Q For the year?

8 A Yes.

9 Q Do you recall anything that
10 Miss Goldstein said to you when she gave this to
11 you?

12 A Honestly, at this point I started to
13 sense that they had an agenda, because the 617,435
14 on May 7th projected out could change rapidly.
15 It's only five months into the year.

16 Q What was your sense of an agenda?

17 A Well, just things were happening. I
18 didn't like the interview in Carle Place to begin
19 with. I had a sense there. I had a sense
20 afterwards too, but I just looked aside and said
21 maybe things will change. But I just started to
22 feel something was changing.

23 Q What do you mean by that?

24 A That it was the beginning of what
25 happened.

1 LAWRENCE I. FRIEDMANN

2 Q What do you mean by what happened?

3 A That I was let go.

4 Q If you look at this document, like
5 you said, it's dated May 7, 2011.

6 A Mm-hmm.

7 Q Do you recall if you met with Laura
8 in Carle Place before or after this date?

9 A Probably before, maybe a day or two.
10 It's right around this date, because this is when
11 the coaching plan started.

12 Q Going back to the meeting with
13 Miss Goldstein and Mr. Baines when she provided
14 you this document --

15 A Right.

16 Q -- can you recall what Miss Goldstein
17 said to you during this meeting?

18 A Not really.

19 Q Do you recall what Mr. Baines said
20 during this meeting?

21 A Not really.

22 Q Do you recall what, if anything, you
23 said during this meeting?

24 A Not really.

25 Q If you see in the document it says:

1 LAWRENCE I. FRIEDMANN

2 Below will be your goals for the next two weeks.

3 A Right.

4 Q And that there would be follow-up?

5 A Correct.

6 Q Was there follow-up?

7 A Not really. I mean there's follow-up
8 where you're signing another piece of paper every
9 two weeks, but there was no coaching to speak of.
10 There was no initiation of coaching or intent to
11 coach.

12 Q Did you ask Miss Goldstein for any
13 assistance to help raise your sales volume at this
14 point?

15 A I was starting to feel it was
16 pointless.

17 Q Please answer the question. Did you
18 at this point ask her for any assistance to help
19 raise your sales volume?

20 A No.

21 Q Did you ask Mr. Baines?

22 A No.

23 Q Did you ask anyone at the Garden City
24 showroom at this point for any assistance to help
25 raise your sales volume?

1 LAWRENCE I. FRIEDMANN

2 A No.

3 Q Did you ask anyone at Raymour &
4 Flanigan for assistance in help raising your sales
5 volume?

6 A No.

7 MS. CHICLACOS: 10, please.

8 (Defendant's Exhibit 10, Raymour
9 & Flanigan Coaching for Success
10 document dated May 23, 2011 marked
11 for Identification as of this date.)

12 Q Mr. Friedmann, I show you what's been
13 marked as Defendant's Exhibit 10. Do you
14 recognize this document?

15 A Same coaching plan.

16 Q If you look at the second page of the
17 document, it's dated May 23, 2011; is that
18 correct?

19 A Yes.

20 Q Is that your signature?

21 A Yes.

22 Q Is that Miss Goldstein's signature on
23 the document?

24 A Yes.

25 Q So this is different than Defendant's

1 LAWRENCE I. FRIEDMANN

2 Exhibit 9, the previous Coaching for Success plan
3 we looked at?

4 A It's the second review date.

5 Q Is it the follow-up that was
6 discussed when you were initially provided with
7 the plan?

8 A Well, it's dated 5/23, so it is the
9 follow-up.

10 Q It was approximately two weeks later?

11 A Correct.

12 Q Did Miss Goldstein provide you with
13 this document?

14 A Yes, she did.

15 Q When did she do so?

16 A Actually, you know, she did not
17 provide me with documents. She did not provide me
18 with copies of these.

19 Q Did you sign this document?

20 A I signed it, but she didn't provide
21 me with a copy of the document.

22 Q Did you have an opportunity to review
23 it before signing it?

24 A Yes.

25 Q You met with her and she showed you

1 LAWRENCE I. FRIEDMANN

2 this document, and you reviewed it for you to

3 sign?

4 A I signed it because that's what you
5 have to do, sign it.

6 Q Where did she do that?

7 A At the same dining room table.

8 Q Was anyone else present?

9 A I don't remember who else was
10 present. There's two or three different showroom
11 managers, so I really don't recall who was there.

12 Q At this point in time in May of 2008,
13 there was Anthony Baines; correct?

14 A Yes. Iman Kasmi was also there as a
15 showroom manager. I don't recall if there was a
16 third manager at this point.

17 Q Do you recall what Miss Goldstein
18 said to you when she met with you to provide you
19 with this document?

20 A Not really.

21 Q Do you remember what you said to
22 Miss Goldstein when you met with her when she gave
23 you this document?

24 A Not really.

25 Q If you look at the column on the

1 LAWRENCE I. FRIEDMANN

2 bottom of the page --

3 A Okay.

4 Q -- showing that for one week the
5 expectation for delivered sales is \$20,000; do you
6 see that?

7 A Yes.

8 Q Then are there numbers written in
9 showing what your actual delivered sales were?

10 A Yes.

11 Q And then at the bottom there's a
12 notation as of 5/23, year to date, minus 63,799.
13 Is that your handwriting?

14 A Yes. No. No, that's not my
15 handwriting.

16 Q Do you know whose handwriting that
17 is?

18 A I have no idea.

19 Q Do you know what that's referring to?

20 A Not really. I mean maybe this is a
21 make-up figure for the -- I really don't.

22 Q At this point in time, did you ask
23 Miss Goldstein for any assistance in helping raise
24 your sales goals?

25 A No.

1 LAWRENCE I. FRIEDMANN

2 Q Did you ask anyone else at Raymour &
3 Flanigan for assistance?

4 A No, nor was any offered.

5 Q Did Miss Goldstein discuss with you
6 any follow-up that would be taken following this
7 with respect to your sales goals?

8 A I don't recall.

9 Q While you were working at the Garden
10 City showroom, did you ever receive an action plan
11 and performance agreement?

12 A Prior to this?

13 Q Following this.

14 A The final -- well, there might have
15 been one other -- I mean I was let go on June 18,
16 so there had to be another.

17 MS. CHICLACOS: Defendant's
18 Exhibit 11, please.

19 (Defendant's Exhibit 11, Raymour
20 & Flanigan Coaching for Success
21 document dated June 13, 2011 marked
22 for Identification as of this date.)

23 Q Mr. Friedmann, this is what's been
24 marked as Defendant's Exhibit 11.

25 A Okay.

1 LAWRENCE I. FRIEDMANN

2 Q Do you recognize this document?

3 A Yes.

4 Q What is it?

5 A It's the -- it's an action plan.

6 Q What is an action plan?

7 A Which an action plan would ultimately
8 lead to termination.

9 Q Who provided you with this action
10 plan?

11 A I see Lucy Goldstein signed it, so it
12 would be here.

13 Q On the second page, that's your
14 signature?

15 A Yes.

16 Q The document is dated June 13, 2011?

17 A Yes, it is.

18 Q Do you recall meeting with
19 Miss Goldstein when she provided you with this
20 action plan?

21 A At the same dining room table.

22 Q Do you recall if anyone else was
23 present?

24 A No, I do not.

25 Q Do you recall what Miss Goldstein

1 LAWRENCE I. FRIEDMANN

2 said during this meeting?

3 A No.

4 Q Do you recall what you said during
5 this meeting?

6 A No.

7 Q Were you meeting your sales goals at
8 this point in time?

9 A I'm not sure. I mean I'm not sure if
10 I met my sales goals to come up to the level of
11 750 or the action plan. No, I don't know.

12 Q If you look to the top square of the
13 document, it shows that the date range that they
14 were analyzing your sales goals was January 1,
15 2011 through June 10, 2011; correct?

16 A Correct.

17 Q That would be for the first half of
18 the year?

19 A Right.

20 Q Do you see where it says that your
21 delivered sales are \$322,875?

22 A Yes.

23 Q So based on the \$750,000 requirement
24 in delivered sales, at this point in time were you
25 meeting your goals to have met that number?

1 LAWRENCE I. FRIEDMANN

2 A No, I was not, but I believe the
3 projection would be higher than the 617,435 that
4 was dated 5/7. So I was making progress at that
5 point, because 322,875, if you project it out to
6 the end of the year, would probably be 660, 670.
7 So it was climbing, because this is only through
8 June 13th.

9 Q I understand that. But the number at
10 this point in time for the year was \$750,000;
11 correct?

12 A That was the goal figure.

13 Q In delivered sales?

14 A The goal figure, but it was climbing.
15 The figure -- if you look at it from May 7th where
16 they projected 617,435, the 322,875 would probably
17 project out to 660, 675, so it was climbing.

18 Q You're referring to the document
19 Defendant's Exhibit 10 where the previous month, a
20 month before --

21 A No. I'm looking at the action plan
22 on June -- dated June 13th. It shows that my
23 annual expectation was 322,875 in delivered sales.

24 MR. ANDREWS: Is that year to
25 date?

1 LAWRENCE I. FRIEDMANN

2 THE WITNESS: Year to date.

3 MS. DAUB: Off the record for a
4 second.

5 (Discussion held off the
6 record.)

7 CONTINUED EXAMINATION

8 BY MS. CHICLACOS:

9 Q Mr. Friedmann, if you could look at
10 Exhibit 9, which is the May 7, 2011 Coaching for
11 Success plan, if you could take that out, please.
12 They're tagged at the bottom.

13 A I see that.

14 Q If you could focus on that one,
15 please.

16 A Yes.

17 Q At the top of the document it states
18 that you underperformed for this year to date to
19 the minimum expectation of \$252,750 in delivered
20 sales by \$53,537.

21 A Okay.

22 Q Is it correct that this document is
23 saying that at this point the minimum expectation
24 of delivered sales was \$252,750?

25 A Right.

1 LAWRENCE I. FRIEDMANN

2 Q And what does the document reflect
3 with respect to your performance?

4 MR. ANDREWS: Objection. I
5 think that's a compound question.

6 A The 53,000?

7 Q Does that reflect that you were under
8 the minimum expectation by \$53,537?

9 A Yes, to get to 750.

10 Q Okay. Do you have any reason to
11 believe that this number is inaccurate?

12 A I have no reason to believe it's
13 accurate or inaccurate. I don't. I mean no, I
14 have no reason to believe it's inaccurate.

15 Q The minimum expectation at this point
16 was \$252,750, still looking at Defendant's
17 Exhibit 9.

18 A Okay.

19 Q So you underperformed by \$53,537?

20 A Correct.

21 Q Does that mean that your actual
22 delivered sales up to that point in time were less
23 than \$200,000?

24 A By \$53,000. I don't know at this
25 point. I'm assuming that's yes.

1 LAWRENCE I. FRIEDMANN

2 Q You testified that you had no reason
3 to believe that these numbers aren't accurate.

4 A Okay.

5 Q So if the minimum expectation was
6 \$252,750 --

7 A Correct.

8 Q -- you underperformed by \$53,537;
9 correct?

10 A Correct.

11 Q So that would mean that your actual
12 delivered sales to that point were less than
13 \$200,000; correct?

14 A I'm assuming so. I mean I don't
15 know.

16 Q Based on this document.

17 A Well, that it was under it by a
18 thousand dollars. I mean is that what you're --
19 it would be the difference between the two
20 numbers.

21 Q The difference between the two
22 numbers, correct, which is less than \$200,000?

23 A Correct. Yes.

24 Q If you could, please look at
25 Defendant's Exhibit 10 now, please.

1 LAWRENCE I. FRIEDMANN

2 MR. ANDREWS: Okay.

3 Q So your actual for all of these five
4 categories in which you were evaluated was less
5 than the expected?

6 A Yes.

7 Q Then if we can take a look at
8 Defendant's Exhibit 11 one more time, please, the
9 last one I've given you.

10 A Yes.

11 Q This is the action plan and
12 performance agreement dated June 13, 2011;
13 correct?

14 A Yes.

15 Q If you look at the square box at the
16 top --

17 A Yes.

18 Q -- it says you underperformed for
19 this year-to-date period to the minium expectation
20 of \$322,875 in delivered sales by \$48,190;
21 correct?

22 A Yes. So that went down.

23 Q So this document says that at this
24 point in time as of June 13th, the minimum
25 expectation of sales was approximately \$322,000?

1 LAWRENCE I. FRIEDMANN

2 A Correct.

3 Q And it shows that your delivered
4 sales were almost \$50,000 less than the minimum
5 expectation; correct?

6 MR. ANDREWS: Objection.

7 A But it also improved by \$5,000 over
8 the previous.

9 Q It shows it's approximately \$50,000
10 less than the expected sales?

11 A Yes.

12 Q So based on this, you were less than
13 \$300,000 for the minimum expectation for the year
14 at this point?

15 A Yes.

16 Q Do you have any reason to believe
17 that those numbers aren't accurate?

18 A No.

19 Q I would like to turn your attention
20 to the second page of Defendant's Exhibit 11,
21 please, at the top the box marked actions for the
22 associate.

23 A Yes.

24 Q It says: Larry needs to consistently
25 turn any of his ups over to a manager if he could

1 LAWRENCE I. FRIEDMANN

2 A There was also a woman there, I've
3 forgotten her name, that was an assistant manager
4 that I also got involved with sales. I really
5 have forgotten her name.

6 Q Does Raymour & Flanigan have any
7 special promotions during the month of May?

8 A Yes. Friends and family.

9 Q What is friends and family?

10 A That's where you contact customers
11 twice a year. They offer 20 percent discounts,
12 you know, on merchandise, and they do quite well
13 with that. End of sentence.

14 Q I would like to turn your attention
15 to June 18, 2011.

16 A Mm-hmm.

17 Q What happened that day?

18 A Well, I was off on the 17th, had a
19 very nice birthday party, and then came in on the
20 18th, and I was not able to get on to the
21 computer. I wasn't even suspicious at the time.
22 I just thought something happened with my -- you
23 know, just to get on.

24 And then about 12, 1 o'clock Lucy
25 called me to -- you know, to ask me to come to the

1 LAWRENCE I. FRIEDMANN

2 asked me prior to that when I planned to retire,
3 and I said maybe in another five years.

4 Q During this conversation with
5 Mr. Kasmi after your employment was terminated,
6 did you mention that you were going to retire?

7 A No.

8 Q So why would Mr. Kasmi mention his
9 father's retirement?

10 MR. ANDREWS: Objection.

11 A Because he was, in his way, trying to
12 be a nice guy. I don't know what he was trying to
13 say, but it was irritating.

14 Q Why was it irritating?

15 A Why was it irritating? Because it
16 was referring to age.

17 Q How is that referring to age?

18 A Well, Mr. Kasmi is in his mid 40s,
19 the same age as my sons, so I'm assuming his
20 father is around my age. End of sentence.

21 Q In your Complaint you state that when
22 Miss Goldstein terminated you on June 18, 2011,
23 she stated: Enjoy your summer in the Hamptons.

24 A Yes, she did.

25 Q When did she make that statement?

1 LAWRENCE I. FRIEDMANN

2 A As she was walking me out the door.

3 Q The door to the back office or the
4 door to the showroom?

5 A No. The door to the showroom.

6 Q Did you have a Hamptons home?

7 A I don't own a Hamptons home.

8 Q Did you rent in the Hamptons?

9 A No, I didn't rent in the Hamptons.

10 Q You never rented in the Hamptons?

11 A I rented in the Hamptons when I was
12 27 years old or 19 years old.

13 Q Did you vacation in the Hamptons?

14 A I did.

15 Q What years did you vacation in the
16 Hamptons?

17 A From 19 on. I mean -- no. My
18 ex-wife has a home in the Hamptons.

19 Q Do you visit her in that home every
20 summer?

21 MR. ANDREWS: Objection.

22 A She lives in California. My son --
23 my older son uses the home regularly. I use the
24 home regularly.

25 Q Do you use the home every summer?

1 LAWRENCE I. FRIEDMANN

2 A As much as I can, yes.

3 Q Did you use the home in 2008?

4 A In 2008?

5 Q Yes. During the summer.

6 A Probably on my days off.

7 Q Did you use the home --

8 A Or vacation time.

9 Q Did you use the home in 2009?

10 A Probably.

11 Q Did you use the home in 2010?

12 A Probably.

13 Q Did you have plans to use the home
14 during the summer of 2011?

15 A No. I had plans to figure out what I
16 was going to do after my termination.

17 Q Before your termination.

18 A Did I have plans to use it? Again,
19 on my days off or vacation time.

20 Q Did you discuss the fact that your
21 ex-wife owned a home in the Hamptons with people
22 from work?

23 A I mean people were aware that there
24 was a home in the Hamptons.

25 Q Did you tell Miss Goldstein that your

1 LAWRENCE I. FRIEDMANN

2 ex-wife owned a home in the Hamptons?

3 A She was aware that there was a home
4 in the Hamptons. I didn't discuss who owned the
5 home.

6 Q That's fine. Just that you had use
7 of a home in the Hamptons for the summer?

8 A Yes. She was wishing me well.

9 Q What do you mean, when she said that
10 to you?

11 A Yes.

12 Q Do you know who made the decision to
13 terminate your employment?

14 A No.

15 Q Did you ask Miss Goldstein why you
16 were being terminated?

17 A It was pointless.

18 Q Did you ask her why you were being
19 terminated?

20 A No.

21 Q Did she provide you with a reason why
22 you were being terminated?

23 A Well, she would go back to sales
24 figures.

25 Q Did she provide you with a reason

1 LAWRENCE I. FRIEDMANN

2 A Sometimes they would leave an "N"
3 off, and I would not dispute it, you know, but
4 that's it. F-R-I-E-D-M-A-N-N is the way it's
5 supposed to be spelled.

6 Q You've never used a different
7 spelling.

8 A No.

9 MS. CHICLACOS: Let's take
10 lunch.

11 (After a luncheon recess was
12 taken, the following was had:)

13
14 A F T E R N O O N S E S S I O N

15 CONTINUED EXAMINATION

16 BY MS. CHICLACOS:

17 Q Mr. Friedmann, in this case you
18 allege that you have a disability?

19 A Yes.

20 Q What is this disability?

21 A Well, I had back surgery in 2002,
22 herniated disks, L4 and L5. That occurred when I
23 was still with Seaman's. And I was out of work
24 for four months. I had attempted to avoid surgery
25 by taking epidural injections, and after two

1 LAWRENCE I. FRIEDMANN

2 shots, they didn't work. So then I went for the
3 surgery, and the rehab was about eight weeks.

4 Along with the disk problem, it was
5 severe sciatica pain. So I would try -- you
6 really don't know how -- what triggers the
7 sciatica pain, so I would do different things to
8 try and avoid it. I had a minor episode in 2008.
9 I always start by going to my orthopedist, and
10 then he would refer me to, you know, a specialist
11 if necessary. That probably lasted a month or so.

12 But I believe in 2009 or 10, you
13 know, I don't have the exact dates, I had a severe
14 occurrence. That was early in the year. It was
15 probably like January or the beginning of
16 February. It was already bothering me. And then
17 by the time I went to the orthopedist, it was
18 another three weeks. At this point it was
19 serious. I was not able to stand up. The pain
20 was severe again, and he referred me to a pain
21 management doctor, Dr. Britestein.

22 So, you know, I went for the initial
23 consultation, and then he sent me for an MRI. And
24 the MRI said that the sciatica condition exists
25 and that there's an increasing -- not severe, but

1 LAWRENCE I. FRIEDMANN

2 arthritis increases. So to basically sum up, this
3 took about seven months until I was back to normal
4 again. I went for the epidural -- I was cynical
5 about the epidural injections because they didn't
6 work the first time prior to the surgery. But,
7 you know, he said why are we being negative. So
8 we went forward with it, and it did help.

9 By the time the injections -- it's
10 like two or three injections spaced out two or
11 three weeks apart, you know, took hold, it then --
12 then the pain subsided. I went for physical
13 therapy. But I was not able to really stay on my
14 feet at work for too long a period, because with
15 their up system at Raymour, which is a good
16 system, you have to stand at the door on the 10
17 spot. And you could be standing there for 15, 20,
18 25 minutes until a customer walks through the
19 door.

20 I just couldn't stand like that for
21 that period of time. I would try to lean on a
22 dining room table. I would try different things
23 to just relieve the pain. And it just -- the
24 sciatica is just excruciating when it occurs.
25 Finally after seven months it got, you know, under

1 LAWRENCE I. FRIEDMANN

2 control again, but that destroyed that year. I
3 mean up until then, the prior year I had done
4 \$792,000 in volume, and I think I wound up the
5 year, that particular year, with 646, something
6 like that, in volume.

7 Q What is a 10 spot?

8 A This is Raymour & Flanigan's up
9 system. They have a 10, which is you're in
10 position to greet the customer. The 20 spot, the
11 customer -- when the 10 man greets the customer,
12 the 20 man moves up to the 10 spot to be in
13 position to greet a customer. And then there is a
14 30 spot, which is by the entrance of the office,
15 you know, and you have to be ready to assume the
16 20 spot.

17 But I could not -- I constantly had
18 to sit down to relieve the pain. I just
19 couldn't -- no matter what I did during that
20 period, I just couldn't make the pain disappear.

21 Q So let's backtrack for a second. So
22 you first experienced an issue in 2002?

23 A That was when I had gone for surgery,
24 yes.

25 Q What had happened that you had a

1 LAWRENCE I. FRIEDMANN

2 herniated disk?

3 A I had herniated disks, L4 and L5. I
4 initially went to the same orthopedist, but he
5 doesn't do surgery on a herniated disk, so he
6 referred me to a surgeon. And along with the
7 surgeon, he also referred me to a pain management
8 doctor, and he believes in pain management.

9 So the surgeon really told me that I
10 should go for the surgery immediately instead of
11 going to the -- but I had the orthopedist telling
12 me to try the pain management first. So that
13 wasted probably another six, eight weeks until I
14 finally said I'm going for the surgery. Then I
15 had an 8-week rehab.

16 Q That was in 2002?

17 A That was 2002.

18 Q So the next time that you have issues
19 relating to your back is in 2008?

20 A I had before that too, minor things,
21 and then it would disappear. I've had three or
22 four MRIs for the same incident. Each incident,
23 you know, it gets progressively worse. So I did
24 whatever I could do physically.

25 I no longer lift weights which -- you

1 LAWRENCE I. FRIEDMANN

2 know, I do a lot of bike riding, and, you know,
3 this type of exercise is healthy for this. I'm
4 just very careful though because it -- once it
5 flares up, it's impossible for it to -- it just
6 doesn't go away on its own.

7 Q You testified earlier you started
8 working for Raymour & Flanigan --

9 A In 2005.

10 Q -- in October of 2005; correct?

11 A Right.

12 Q When was the first time that you had
13 a flare-up with your sciatica while working at
14 Raymour & Flanigan?

15 A I might have had one in 2007. I
16 mean -- but that was not -- you know, that went
17 away relatively quickly. Then I had another
18 flare-up I think in 2008, and I went for an MRI
19 again. You know, again the dates I'm really --
20 but the major one was, I believe, in 2009 when my
21 volume dipped. The year before I did 792,000.
22 The year that I had this, you know, issue for
23 seven months, my volume dropped to 636, 646.

24 Q You believe that was 2009?

25 A 2010. I'm not sure. I would have to

1 LAWRENCE I. FRIEDMANN

2 refer back to my medical records.

3 Q Well, if we take a look at your
4 Complaint --

5 A Right.

6 Q -- which was the first exhibit.

7 A This one.

8 Q It's probably at the bottom of the
9 pile. It was the first one.

10 A Okay.

11 Q If you look at page 3 of that
12 document.

13 A Okay.

14 Q It states there that you did not have
15 any significant flare-ups in your sciatica from
16 May 1, 2008 until March of 2010. Does that help
17 refresh your recollection as to when you had this
18 significant flare-up?

19 A Probably. Yeah, it would be -- I
20 mean it flared up before that until I -- you know,
21 until I went to the -- until it didn't go away on
22 its own. I probably took three weeks until I went
23 to the orthopedist.

24 Q If you look at the next page, there
25 is detailed medical treatment ranging from

1 LAWRENCE I. FRIEDMANN

2 March 3rd, 2010 through August 9, 2010.

3 A Right.

4 Q Does that help refresh your
5 recollection as to what year you had the flare-up?

6 A Yes.

7 Q When did you have this significant
8 flare-up?

9 A Well, the first time I went to the
10 orthopedist was on March 3rd.

11 Q So it was in 2010?

12 A Correct.

13 Q You testified you believe that the
14 flare-up lasted approximately seven months?

15 A Six months, seven.

16 Q That was in 2010?

17 A Correct.

18 Q So after this flare-up ended and you
19 went through various treatments, did you have
20 another flare-up during the course of your
21 employment with Raymour & Flanigan?

22 A Minor. Not -- not anything that
23 would inhibit my health at this point. But again,
24 I was always careful after that incident, because
25 that was seven months, and I was ready to go for

1 LAWRENCE I. FRIEDMANN

2 surgery again. The pain management guy said why
3 are we talking about surgery. So I'm constantly
4 cautious about it, because I try to avoid any
5 flare-ups.

6 Q Are you currently receiving any
7 treatment --

8 A No.

9 Q -- for your sciatica?

10 A No.

11 Q Are you currently taking any
12 medications for your condition?

13 A No. Once in a while Aleve, but not
14 often.

15 Q Are you currently using any medical
16 devices to help with your condition?

17 A Just exercise.

18 Q What, if any, limitations does your
19 condition currently impose upon you?

20 A At this point, nothing. But any time
21 I get a little pain in that area, I'm cautious. I
22 mean I -- I mean I've always challenged myself
23 physically, but now I restrict it to an indoor
24 life cycle, which I do five hours a week, and then
25 long distance bike riding in the summertime, which

1 LAWRENCE I. FRIEDMANN

2 sums it up. I mean everybody was aware of it, but
3 these are people that I interacted with on a daily
4 basis.

5 Q Let's start with Miss Goldstein.

6 When did you first discuss your condition with
7 her?

8 A When I was going for medical
9 treatment.

10 Q When was that?

11 A Prior to 2010, because I had to, you
12 know, either take off for appointments or -- I
13 mean prior to March 3rd, prior to the --

14 Q Of 2010?

15 A Yeah, because it already was
16 bothering me. But before I made a decision to go
17 to the doctor, I wanted to see if it was going to
18 go away on its own. But after two or three weeks,
19 I knew I had to seek medical attention.

20 Q So you asked Miss Goldstein for time
21 off for doctor's appointments?

22 MR. ANDREWS: Objection.

23 A If it wasn't my regular day off, I
24 would have asked her to switch my day off so I can
25 make an appointment. It's possible it was my day

1 LAWRENCE I. FRIEDMANN

2 off, but I made her aware of my --

3 Q What do you recall telling her
4 specifically?

5 A That I had a flare-up of sciatica,
6 and this one seems to be serious.

7 Q Anything else?

8 A That's it.

9 Q Do you recall what she said in
10 response?

11 A Well, I could tell you that later on
12 any time I discussed something with her, she would
13 say oh, that sciatica issue again, which didn't
14 seem too sympathetic to me.

15 Q When you say discuss things with her,
16 what were you discussing with her?

17 A The fact that I couldn't stand for
18 extended periods of time without being in
19 excruciating pain. So if I was on the 10 spot --
20 there's a dining room table that's right adjacent
21 to the 10 spot. So to relieve a little pressure,
22 I would lean on the dining room, and she would
23 tell me to get back on the 10 spot. So I got back
24 on the 10 spot. And then as it flared up again, I
25 would move back to the table again, just to lean

1 LAWRENCE I. FRIEDMANN

2 A Any names that I mentioned before
3 were all aware of the problem. Jim Powers -- as
4 an example, I sat down on this large ottoman for
5 like two, three minutes, and I happened to be
6 sitting like this. And he passed by and he says
7 to me: You look like the thinker. I mean we
8 laughed, but I knew it didn't look great to him.

9 Q Did he say anything else?

10 A No. He just kept, you know, on his
11 way.

12 Q Do you know what he was referring to
13 when he said the thinker?

14 A Yes. First of all, he was referring
15 to me sitting down, period.

16 Q Do you know what the thinker is?

17 A I know what the thinker is.

18 Q What is it?

19 A Isn't that a classical -- I know who
20 the thinker is.

21 Q A statue?

22 A Yes.

23 Q So he was comparing you to that?

24 A Yes.

25 Q Let's get back. You said you asked

1 LAWRENCE I. FRIEDMANN

2 people if you would be allowed to sit down. Who
3 specifically did you ask?

4 A I would ask Lucy. Really Lucy,
5 because -- or I would sit down. I mean if I had
6 to sit down, I had to sit down.

7 Q When you asked Lucy, what would she
8 say?

9 A She wouldn't let me sit down. She
10 would say go in the office, get off the floor.

11 Q She allowed you to leave the floor to
12 go sit down?

13 A Well, you're not supposed to leave
14 the floor.

15 Q She allowed you to leave the floor so
16 you could sit down?

17 A No. She was being sarcastic. That's
18 what she was being.

19 Q She said go to the office?

20 A Yeah. But if I'm with a customer, I
21 can't go to the office.

22 Q So there were situations while you
23 were helping a customer where you asked
24 Miss Goldstein if you could sit down?

25 A No. I sat down. I sat down for two

1 LAWRENCE I. FRIEDMANN

2 minutes. You don't understand the intensity of
3 this pain, so you have to do something to relieve
4 it.

5 Q Okay. But you just testified that
6 you asked Miss Goldstein if you could sit down?

7 A Well, I would.

8 Q What would she say to you?

9 A She would not really approve me
10 sitting down on the sales floor.

11 Q What would she say?

12 A Go in the office.

13 Q Did you go into the office?

14 A No, I didn't go in the office,
15 because I was with a customer. I was always in
16 earshot of the customer. But if I had to do
17 something to relieve the pain during that period,
18 I had to do it.

19 Q When you asked Miss Goldstein to sit
20 down, her response was to go into the office?

21 A To go into the office or you can't
22 sit down.

23 Q When did she tell you you couldn't
24 sit down?

25 A I don't remember the dates.

1 LAWRENCE I. FRIEDMANN

2 A Well, any managers. If I had to sit
3 down, I sat down. Just the general -- the general
4 feeling was that -- not to sit down regardless.

5 Q Did anyone else catch you sitting
6 down?

7 A No.

8 Q Did anyone see you sitting down and
9 tell you to stand up?

10 A Yes.

11 Q Who?

12 A Lucy Goldstein.

13 Q Who else?

14 A Anthony Baines, Iman. And, you know,
15 without being told to stand up, Jim Powers. Just
16 his comment, I knew I should stand up. But he
17 didn't say it harshly, but I knew I should stand
18 up.

19 Q Did Mr. Powers tell you to stand up?

20 A No.

21 Q You testified that this flare-up in
22 2010 lasted about six or seven months.

23 A About six, yeah.

24 Q Looking at the Complaint, your
25 treatment began on March 3rd.

1 LAWRENCE I. FRIEDMANN

2 A Page 3 and 4?

3 Q Yes. The Complaint says that the
4 flare-up started in March; correct?

5 A Yes.

6 Q And that your treatment began --

7 A It began on -- March 3rd was the
8 first time I went to the orthopedist, and it went
9 through it looks like August, but there was not
10 full recovery for another 30 days or so because
11 these -- the physical therapy and the epidural
12 injections really take time before they restore
13 you to complete normalcy.

14 Q So by the end of September of 2010,
15 you had had a full recovery from this flare-up?

16 A Pretty much.

17 Q After September of 2010, did you
18 still need to sit down?

19 A Not as much.

20 Q Using September, 2010, after this
21 point, did you ask anyone if you could sit down?

22 A No, not at that point, because it
23 really wasn't anything that was going to be
24 lengthy.

25 Q Did you ask anyone at Raymour &

1 LAWRENCE I. FRIEDMANN

2 Flanigan for any kind of assistance after the
3 flare-up ended?

4 A No.

5 Q So during the flare-up, you said you
6 needed to sit down?

7 A Yes.

8 Q Anything else that you asked Raymour
9 & Flanigan for?

10 A No.

11 Q Did you ask them for a leave of
12 absence?

13 A No.

14 Q When you say that you asked them if
15 you could sit down, were these requests made
16 orally?

17 A Yes.

18 Q Did you ever put this request in
19 writing?

20 A No.

21 Q You made these requests to the
22 individuals at the Garden City showroom?

23 A Correct.

24 Q You testified earlier that you were
25 in receipt of Raymour & Flanigan's employee

1 LAWRENCE I. FRIEDMANN

2 qualified to discuss this with you.

3 A Yes.

4 Q Do you see that?

5 A Yes.

6 Q Did you ever speak with anyone at
7 Human Resources about your need to sit down?

8 A No.

9 Q Did you ever speak to anyone from
10 Human Resources regarding your medical condition?

11 A No.

12 Q Did you apply for short-term
13 disability while employed by Raymour & Flanigan?

14 A No.

15 Q Did you apply for a long-term
16 disability while employed by Raymour & Flanigan?

17 A No.

18 Q Have you applied for short-term
19 disability since leaving Raymour & Flanigan?

20 A No.

21 Q Have you applied for long-term
22 disability since leaving Raymour & Flanigan?

23 A No.

24 Q Have you ever applied for Social
25 Security Disability payments?

1 LAWRENCE I. FRIEDMANN

2 stories where she's referred to me as old man when
3 I'm not even around.

4 Q You told her your age?

5 A I did.

6 Q You said that she called you old man?

7 A Right.

8 Q To you personally?

9 A To me personally.

10 Q When did she do that?

11 A I don't have dates.

12 Q What year?

13 A 2011.

14 Q What about 2010?

15 A She would say it, but it wasn't -- it
16 was a different tone.

17 Q How was the tone different?

18 A It was just different. It wasn't --
19 it was nothing that I became conscious of at that
20 point. In 2011 I started to realize that my age
21 might possibly be an issue for whatever reasons.

22 Q Why, if she had made those comments
23 before?

24 A Because the tone changed, the purpose
25 changed.

1 LAWRENCE I. FRIEDMANN

2 discrimination because of your disability in your
3 Complaint; correct?

4 A I believe that whether I was placed
5 on a coaching plan or not in 2010, that it was
6 still -- whether it's on paper or not, it was
7 taken into account with the final decision.

8 Q So in 2010 when you were suffering
9 from this flare-up, you testified earlier that you
10 wanted to be able to sit down; correct?

11 A Yes.

12 Q Please explain how your ability to
13 sit down should have affected your sales numbers.

14 A The showroom is 85,000 square feet.
15 Now, if I'm with a customer and I have a flare-up,
16 the only way to relieve it is to sit down. So
17 once you lose track of a customer in that store,
18 you could be wandering around forever, and each
19 person is circling and circling. You don't see
20 them again.

21 It had an effect on my overall
22 volume. My ability to stay in earshot of my
23 customer because of this disability affected my
24 performance in 2010.

25 Q So you did sit down when you were

1 LAWRENCE I. FRIEDMANN

2 disability?

3 MR. ANDREWS: Objection.

4 A I don't know how to answer that.

5 Q Can you point to any specific factual
6 circumstances that occurred that you believe were
7 the result of disability discrimination?

8 A I was fired.

9 MR. ANDREWS: Objection.

10 Q Besides being terminated.

11 A That was enough for me.

12 Q Did anyone at Raymour & Flanigan ever
13 make any comments about your medical condition?

14 A Yes.

15 MR. ANDREWS: Objection.

16 Q What was that?

17 A Just silly jokes.

18 Q What kind of silly jokes?

19 A I really don't recall the specifics.

20 Q Who made the jokes?

21 A Many people.

22 Q Please, to the best of your
23 recollection, tell me who.

24 A I don't recall.

25 Q Did you ever request that your sales

1 LAWRENCE I. FRIEDMANN

2 quotas be adjusted?

3 A No.

4 Q When you were presented with the
5 coaching plan in May, 2011, did you request that?

6 A No.

7 Q You also claim in this lawsuit that
8 you were subject to retaliation in connection with
9 your employment; is that correct?

10 A Retaliation?

11 Q Yes. Are you familiar with that
12 term?

13 A No.

14 Q If you look at paragraph 31 of the
15 Complaint, it should be right in front of you, it
16 says that: Upon plaintiff complaining to his
17 supervisors about age and disability
18 discrimination, nothing changed. Moreover,
19 plaintiff Friedmann was terminated because of his
20 age and disability in retaliation for his
21 complaints of discrimination.

22 Do you see that?

23 A Yes.

24 Q Reading that, does that help you
25 understand what I'm asking about, that you were

1 LAWRENCE I. FRIEDMANN

2 subject to retaliation in connection with a
3 complaint that you made?

4 MR. ANDREWS: Objection.

5 A I don't know how to answer that.

6 Q Did you ever complain to anyone at
7 Raymour & Flanigan about age discrimination?

8 MR. ANDREWS: Objection.

9 A I don't know how to answer it.

10 Q Did you ever discuss with anyone at
11 Raymour & Flanigan your belief that you were being
12 discriminated against because of your age?

13 A No.

14 Q Did you ever discuss with anyone at
15 Raymour & Flanigan your belief that you were being
16 discriminated against because of your disability?

17 A No.

18 Q So in the Complaint where it says
19 that you complained to your supervisors about age
20 and disability discrimination, what are you
21 referring to there?

22 MR. ANDREWS: Objection.

23 A Being fired.

24 Q Anything else?

25 A That's it. That's enough. I was